

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DENNIS FISHER,

Plaintiffs,

Case No. 3:20-cv-351

vs.

SAMSON TUBE, LLC,

District Judge Michael J. Newman

Defendants.

**ORDER: PROVIDING COUNSEL 10 DAYS TO FILE SUPPLEMENTAL BRIEFING IN
SUPPORT OF THEIR JOINT MOTION FOR A FLSA SETTLEMENT (DOC. NO. 13)**

This civil case came before the Court for a status conference on April 13, 2021 at 3:00 p.m. Attorneys Bradley Gibson and Christopher Dubes were present. The parties advised the Court that they recently filed joint motion for a settlement agreement. Doc. No. 13. In reviewing a proposed FLSA settlement, “a court must scrutinize the proposed settlement for fairness and determine whether the settlement is a ‘fair and reasonable resolution of a *bona fide* dispute over FLSA provisions.’” *Snook v. Valley OB-GYN Clinic, P.C.*, No. 14-CV-12303, 2014 WL 7369904, at *2 (E.D. Mich. Dec. 29, 2014) (quoting *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1354 (11th Cir. 1982)).

“Courts should consider the following factors in determining whether a proposed FLSA settlement is fair and reasonable: (1) the existence of fraud or collusion behind the settlement; (2) the complexity, expense, and likely duration of the litigation; (3) the stage of the proceedings and the amount of discovery completed; (4) the probability of plaintiff's success on the merits; (5) the range of possible recovery; and (6) the opinions of the counsel.” *Snook*, 2014 WL 7369904, at *2 (citing *Dees v. Hydradry, Inc.*, 706 F. Supp. 2d 1227, 1241 (M.D. Fla. 2010)). In addition, courts

must remain cognizant of confidentiality provisions in FLSA settlements. *Chime v. Fam. Life Counseling & Psychiatric Servs.*, No. 1:19CV2513, 2020 WL 6746511, at *4 (N.D. Ohio Nov. 17, 2020).

The Court is obligated to ensure that the parties' proposed settlement agreement is in compliance with the requirements set forth above. For these reasons, the Court will provide counsel with 10 days in which to file supplemental briefing to make their arguments regarding these factors.

IT IS SO ORDERED.

Date: April 14, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge